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9 Attorneys for Defendant and Counterclaimant,
Blockbuster Inc.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 NETFLIX, INC., a Delaware corporation,
14 Plaintiff,
15 vs.
16 BLOCKBUSTER INC., a Delaware
17 corporation, DOES 1-50,
18 Defendants.

19 AND RELATED COUNTER ACTION.
20

CASE NO. C 06 2361 WHA

[Magistrate Judge Joseph C. Spero]

**STIPULATION AND
[PROPOSED] ORDER ON
HEARING FOR DISCOVERY
MOTIONS**

Complaint Filed: April 4, 2006

21
22 Plaintiff and Counterdefendant, Netflix, Inc., and Defendant and
23 Counterclaimant, Blockbuster Inc., stipulate as follows:

24 1. Netflix has informed Blockbuster that Netflix intends to file a
25 motion or motions (the "Netflix Motions") seeking a protective order related to
26 document subpoenas (the "Subject Subpoenas") that have been served by
27 Blockbuster on the following third parties:
28

- a. AOL LLC;
- b. Best Buy Co.;
- c. Fox Entertainment Group, Inc.;
- d. Gutride Safier LLP;
- e. Microsoft Corporation;
- f. NBC Universal Inc.;
- g. Paramount Pictures Corporation;
- h. Sony Pictures Entertainment Inc.;
- i. Walt Disney Company;
- j. Warner Bros. Entertainment Inc.; and
- k. Yahoo! Inc.

2. The parties have conferred about the schedule for the Netflix Motions and have agreed as follows.

3. Netflix has agreed to Blockbuster's request that the Court's hearing on the Netflix Motions be scheduled for November 17, 2006.

4. In return, Blockbuster has agreed to inform the third-parties listed above that they are not required to produce documents in response to the Subject Subpoenas until ten business days after this Court rules on the Netflix's Motions.

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1 5. Blockbuster has also agreed not to schedule any discovery
2 motion in this case for hearing prior to November 17, 2006.

3 6. The parties respectfully request and agree that the Court enter an
4 order providing as set forth above.

5
6 DATED: September 28, 2006 KEKER & VAN NEST, LLP

7
8 By _____/s/
9 Ashok Ramani
10 Attorneys for Plaintiff and Counterdefendant,
11 Netflix, Inc.

12
13 DATED: September 28, 2006 ALSCHULER GROSSMAN STEIN &
14 KAHAN LLP

15
16 By _____/s/
17 William J. O'Brien
18 Attorneys for Defendant and Counterclaimant,
19 Blockbuster Inc.

20
21 **[PROPOSED] ORDER**

22 It is so ordered.

23
24 DATED: _____

25
26 Honorable Joseph C. Spero
27 United States Magistrate Judge
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